

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 13-00068-01-CR-W-FJG

DONZELL E. JONES,

Defendant.

ORDER

Pending before the Court is defendant's Motion to Suppress Evidence (Doc. No. 18). On June 11, 2013, United States Magistrate Judge Sarah W. Hays held a hearing on the present matter. On September 26, 2013, Magistrate Judge Hays entered a Report and Recommendation (Doc. No. 31) which recommended denying defendant's motion. On October 7, 2013, defendant filed objections to the Report and Recommendation (Doc. No. 32), arguing that Magistrate Judge Hays ignored certain facts. Defendant's objections do not alter the conclusion that defendant's traffic violation provided sufficient probable cause to support the stop of defendant's vehicle, and the frisk subsequent to the stop was permissible under Terry v. Ohio, 392 U.S. 1, 30 (1968).

Therefore, the Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Defendant's Motion to Suppress Evidence (Doc. No. 18) is **DENIED**.

IT IS SO ORDERED.

Date: October 11, 2013
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge